



ATK/3641
**RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3641**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Mitchell R. Swartz

Serial no. 09/ 750,765

R.J.

Filed: 12/28/00

For: **METHOD AND APPARATUS
TO CONTROL ISOTOPIC FUEL
LOADED WITHIN A MATERIAL**

This is a continuation of Serial no. 07/ 760,970.

Filed: 09/17/1991

Group Art Unit: 3641

Examiner: Mr. Palabrica,

Appeal
9/23/03
Palabrica
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SEP 12 2003

GROUP 3600

September 4, 2003

Commissioner of Patents and Trademarks
P.O.Box 1450 Alexandria, VA 22313-1450

NOTICE OF APPEAL

1. The Applicant hereby files a notice of appeal to the United States Patent Office Board of Appeals and Patent Interferences from the Examiner's final action: a Final Rejection of the above-entitled application, which was mailed on March 20, 2003 (Exhibit "A", copy is attached hereto). Applicant responded on May 6, 2003 which is less than two months. The Office responded on August 19, 2003 (Exhibit "B", copy is attached hereto).

2. In said response of August 19, 2003, the Office has refused to (again) answer with specificity or precision the numerous Declarations, pleadings and Exhibits which the Applicant timely-supplied overcoming the Office's objections which lack foundation and substance.

09/09/2003 NGEBREM1 00000041 09750765

01 FC:2401

160.00 OP



3. Applicant hereby files this Notice of Appeal, and asks the Board to Order the Examiner to comply with the Office's standards of review and the previous Decisions of the Board to respond to said Exhibits and said Declarations.

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Respectfully submitted,


Mitchell R. Swartz, ScD, MD, EE
Post Office Box 81135
Wellesley Hills, Mass. 02481

Certificate Of Mailing
[pursuant Section 512 and 37 CFR 1.8(a)]

September 4, 2003

To Whom it Does Concern:

I hereby certify that this correspondence will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to
"The Commissioner of Patents and Trademarks
P.O.Box 1450 Alexandria, VA 22313-1450" on the date below.

Thank you.

Sincerely,

September 4, 2003


M.R. Swartz



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,765	12/28/2000	Mitchell R. Swartz		8044

7590 03/20/2003

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EXAMINER

PALABRICA, RICARDO J.

ART UNIT	PAPER NUMBER
	3641

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT "A"

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EXAMINER

PALABRICA, RICARDO J

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT "B"

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